



ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

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Bob Riley
Governor

Joe McInnes
Transportation Director

July 24, 2009

MEMORANDUM 2009-18

TO: County Engineers

CC: Division Engineers
Division County Transportation Engineers
Division Right-Of-Way Managers

FROM:


D.E. (Ed) Phillips, Jr., State County Transportation Engineer


Steve Walker, State Right-Of-Way Engineer

RE: Right-Of-Way Certifications for County Projects

The Federal Highway Administration (FHWA) has requested that all projects involving Federal funds and administered by the State utilize a standard Right-Of-Way Certification Form that is signed by a representative of the State. Therefore, a new "standard" Right-Of-Way Certification for use on county projects has been developed (attached). This new certification is to be used on all county projects, regardless of whether right-of-way was obtained for the project or not, and shall be signed by the county engineer and the division right-of-way manager. If no right-of-way was obtained for the project, the appropriate blank shall be checked. If right-of-way was obtained for the project, the appropriate blank shall be checked and the information requested concerning the number and cost of the acquisitions shall be provided. Again, in either case, the county engineer and division right-of-way manager shall sign the certification.

The county shall be responsible for providing the Division County Transportation Engineer any and all information deemed sufficient by the Division Right-of-Way Manager for him/her to concur with the county engineer's certification. The Division County Transportation Engineer shall review and confirm any and all information provided the Division Right-of-Way Manager.

The new standard Right-Of-Way Certification will be required on all county projects beginning with the September 2009 letting.

This new standard right-of-way certification form shall replace the right-of-way certification letters as shown on pages 6.15, 6.16, and 6.17 in the 2007 Procedural Guidelines for County Projects.

Please feel free to contact me should you have any questions or comments concerning this matter.

C: Mr. Joe McInnes, Transportation Director
 Mr. D.W. Vaughn, Chief Engineer/Deputy Director
 Mr. Don T. Arkle, Assistant Chief Engineer, Policy & Planning
 Mr. Ronnie Baldwin, State Office Engineer
 Mr. Steve Mills, FHWA
 Mr. Sonny Brasfield, ACCA
 ALDOT County Transportation Bureau Staff

DATE: _____

**CERTIFICATION FOR
PHYSICAL CONSTRUCTION**

State Project No: _____

County Project No: _____

Description: _____

Original _____

County: _____

Total No. Tracts: _____

Total No. _____

Update _____

Relocates - Residential: _____

Business: _____

In accordance with the provisions of 23 CFR Part 635 and 49 CFR Part 24, this is to certify that:

1. ____ (a) All right of way necessary for the construction of the above project has been acquired and/or legal possession obtained in accordance with the current FHWA directives covering the acquisition of real property. There may be some improvements remaining on the right of way but all occupants have vacated the lands and improvements and the County has physical possession and the right to remove, salvage or demolish these improvements and enter all land.
- ____ (b) Right-of-way for the above referenced project was acquired prior to the effective date of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations. No additional Right-of-Way was acquired for this project.
- ____ (c) Right-of-way for the above referenced project was acquired on a previous Federal Aid project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations. No additional Right-of-Way was acquired for this project.
- ____ (d) The county maintains the above referenced county road as prescriptive right-of-way. No additional Right-of-Way was acquired for this project.
2. ____ All necessary rights of way have not been fully acquired. The right to occupy and to use all rights of way required for the proper execution of the project has been acquired. Occupants of all land and improvements have vacated and the County has physical possession and right to remove, salvage or demolish these improvements with exceptions, if any, noted in Attachment "B".
3. ____ Circumstances relating to the unacquired parcels, if any, listed in Attachment "A" and occupied improvements, if any, listed in Attachment "B" below, if any, warrant that the public interest would be served by proceeding with the advertisement for bids or with force account construction in advance of acquisition of such parcels.
4. ____ All right of way has been cleared of improvements except as noted in "B" below.
5. ____ (a) All necessary actions relative to relocation advisory assistance and payments as required by current FHWA directives covering the Highway Relocation Assistance Program have been taken.
- ____ (b) No persons are being displaced on this project.
- ____ (c) All persons displaced prior to the date of this certification have been relocated into decent, safe and sanitary housing, or have been offered decent, safe, and sanitary housing. Also, persons remaining on the right of way as of this date, if any, have the right of immediate possession of adequate replacement housing (as noted in "C" below), or have been offered decent, safe, and sanitary housing which is available for immediate occupancy.

There was/were _____ property owners.

1. () Donated
2. () Purchased (Total Price \$ _____)
3. () Condemned (Total Price \$ _____)
4. () Administrative Settlement [Above initial offer (See 49 CFR, Part 24.102(i))
(Total Price \$ _____)

5. Total Compensation (Line Items 2-4) \$ _____

Signed: _____
County Engineer

Signed: _____
Division Right of Way Manager